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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Tomislav F. Milinusic Examiner: Kimbinh T. Nguyen
Serial No.: 10/079,639 Docket: 13879-45168
Filed: February 19, 2002
Title: Surveillance System

Technology Center 2600
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450


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APR 28 2005
Technology Center 2600

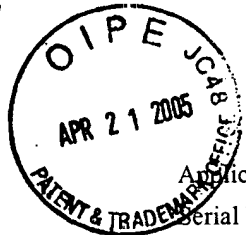
**PETITION TO WITHDRAW HOLDING OF ABANDONMENT BASED UPON
FAILURE TO RECEIVE OFFICE ACTION (NOTICE OF ALLOWANCE)**

Petition is hereby made to withdraw the holding of abandonment based upon the failure to receive an Office Action (the Notice of Allowance) in regard to the above-referenced patent application. Applicant petitions that the abandonment in regard to the above-referenced patent application be withdrawn.

The above-identified application became abandoned for failure to timely file a response to a Notice of Allowance. Applicant further submits that it did not receive the Notice of Allowability or the Notice of Allowance, allegedly mailed on August 19, 2004, in regard to the above-referenced patent application. Accordingly, Applicant hereby petitions for withdrawal of the holding of abandonment of this application and requests the Notice of Allowance be re-issued and resent so that a proper response may be made by payment of the issue fee.

I hereby certify that this correspondence is being ☒ deposited with the United States Postal Service as First Class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or ☐ transmitted to the U.S. Patent and Trademark Office by facsimile to number (703) 872-9306, on April 18, 2005.


Wendell A. Peete, Jr. - Reg. No. 52,108

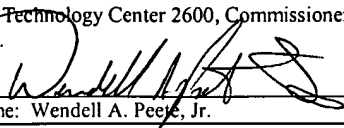


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Milinusic, et al. Examiner: Kimbinh T. Nguyen
Serial No.: 10/079,639 Group Art Unit: 2671
Filed: February 19, 2002 Docket: 13879-45168
Confirmation No.: 7250
Title: Surveillance System

CERTIFICATE UNDER 37 CFR 1.8:

I hereby certify that this correspondence is being sent via U.S. Mail to: Technology Center 2600, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on April 18, 2005.

By: 
Name: Wendell A. Peete, Jr.

Technology Center 2600
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

24728


PATENT TRADEMARK OFFICE

Sir:

We are transmitting herewith the attached:

- ☒ Transmittal Sheet containing Certificate of Mailing (1 page)
- ☒ Petition to Withdraw Holding of Abandonment Based Upon Failure to Receive Office Action (Notice of Allowance w/attachments (46 pages)
- ☒ Return Postcard

MORRIS, MANNING & MARTIN, LLP
1600 Atlanta Financial Center
3343 Peachtree Road NE
Atlanta, Georgia 30326
404-233-7000 (Main)

By: 
Name: Wendell A. Peete, Jr.
Reg. No.: 52,108
WAP/sep

Customer No. 24728

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Statement of Facts

1. An Amendment and Response to the first Office Action and a Revocation of Previous Counsel and a Power of Attorney (attached as **Exhibit A**) establishing a change of address and the undersigned as the Applicant's representative of record was filed on May 21, 2004.
2. A return post card indicating that the Revocation of Previous Counsel and the Power of Attorney were received in the USPTO on May 26, 2004 (attached as **Exhibit B**) was docketed as being received by the Applicant's counsel on June 2, 2004.
3. A telephonic interview was conducted between the Examiner and Applicant's representative on August 18, 2004 (Examiner-initiated interview summary obtained from Examiner and attached as **Exhibit C**). Part III of the interview summary indicated that the substance of the interview directly resulted in the allowance of the application and that the Examiner would provide a written summary of the substance of the interview in the Notice of Allowability. There is no indication on the Examiner supplied document as to where the Notice of Allowance may have been sent.
4. No further communications have been received by the undersigned Applicant's Attorneys, notwithstanding the acknowledgement from the USPTO that the revocation of previous counsel and change of address had been received at the USPTO.

5. Correspondence from Applicant's previous counsel was received on March 22, 2005 (attached as **Exhibit D**) detailing the reception of the Notice of Abandonment from the USPTO. The Notice of Abandonment as forwarded by the USPTO (attached as **Exhibit E**) on its face was addressed to the previous counsel, indicating that the Notice of Allowance may therefore have been sent to previous counsel.
6. A search of the file jacket and the docketing records of the above-referenced patent application was made on March 25, 2005, and there was no indication that the Notice of Allowability or the Notice of Allowance was received from the USPTO. A copy of the docket record where the non-received Notice of Allowance would have been entered had it been received and docketed is attached as **Exhibit F**.

Requested Action

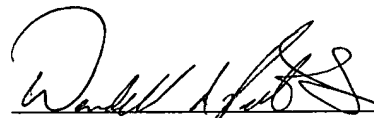
Based on the foregoing statement of facts, Applicant respectfully requests that the following actions be taken by the USPTO:

- (1) Withdraw the holding of abandonment based upon the failure to receive an office action in regard to the above-referenced patent application
- (2) Re-transmit the Notice of Allowability and the Notice of Allowance to the undersigned so that a proper response may be made to the Notice of Allowance by payment of the issue fee.

Petitioner has made a *bona fide* attempt to comply with the conditions set forth in 37 C.F.R. §1.181. If any condition remains incomplete, then Petitioner kindly requests that the undersigned be contacted at the address or telephone number shown below so that such condition may be met.

Respectfully submitted,

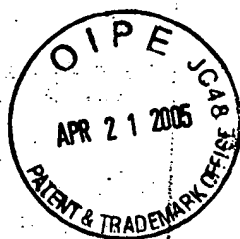
MORRIS, MANNING & MARTIN, LLP



Wendell A. Peete, Jr.
Reg. No. 52,108

MORRIS, MANNING & MARTIN, L.L.P.
1600 Atlanta Financial Center
3343 Peachtree Road, N.E.
Atlanta, Georgia 30326
404-233-7000 Main
404-495-3682 Direct
Customer No. 24728

RECEIVED IN THE UNITED STATES PATENT OFFICE



Please place the official stamp of the United States Patent and Trademark Office on this card and return to constitute Acknowledgment by the Patent Office of receipt on the date stamped.

Date of Mailing: May 21, 2004

Inventor(s): Milinusic, Tomislav F.

Docket No.: 13879-45168

Title: Surveillance System

Serial No. 10/079,639

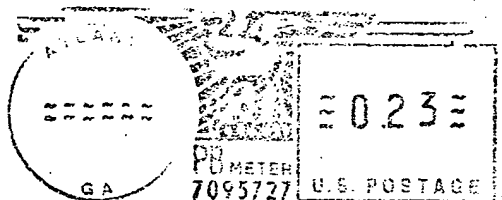
Documents Enclosed: Transmittal Form (1 page); Fee Transmittal for FY 2004 (1 page); Patent Application Fee Determination (1 page); Petition For Two-Month Extension of Time (1 page); Revocation and Power of Attorney (2 pages); 37 C.F.R. 3.73(b) Statement and Power of Attorney (2 pages); Verified Statement Claiming Small Entity Status Small Business Concern (2 pages); PTO-2038 authorizing payment in the amount of \$282 for eight additional claims and Two-Month Extension of Time; and Amendment and Response to First Office Action (11 pages); and return postcard.

Atty: JRH:ttj

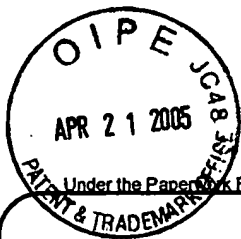
DOCKETED

5/25/04
RJB

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John R. Harris, Esq.
MORRIS, MANNING & MARTIN, LLP
1600 Atlanta Financial Center
3343 Peachtree Road
Atlanta, GA 30326



PTO/SB/21 (03-03)
Approved for use through 04/30/2003. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	10/079,639
Filing Date	February 19, 2002
First Named Inventor	Milinusic, Tomislav F.
Art Unit	2671
Examiner Name	Kimbinh T. Nguyen
Attorney Docket Number	13879-45168

Total Number of Pages in This Submission 16

ENCLOSURES (Check all that apply)

- | | | |
|---|--|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form
<input checked="" type="checkbox"/> Fee Attached
<input type="checkbox"/> Amendment/Reply
<input type="checkbox"/> After Final
<input type="checkbox"/> Affidavits/declaration(s)
<input checked="" type="checkbox"/> Extension of Time Request
<input type="checkbox"/> Express Abandonment Request
<input type="checkbox"/> Information Disclosure Statement
<input type="checkbox"/> Certified Copy of Priority Document(s)
<input type="checkbox"/> Response to Missing Parts/
Incomplete Application
<input type="checkbox"/> Response to Missing Parts
under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)
<input type="checkbox"/> Licensing-related Papers
<input type="checkbox"/> Petition
<input type="checkbox"/> Petition to Convert to a
Provisional Application
<input type="checkbox"/> Power of Attorney, Revocation
Change of Correspondence Address
<input type="checkbox"/> Terminal Disclaimer
<input type="checkbox"/> Request for Refund
<input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance Communication
to a Technology Center (TC)
<input type="checkbox"/> Appeal Communication to Board
of Appeals and Interferences
<input type="checkbox"/> Appeal Communication to TC
(Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Status Letter
<input checked="" type="checkbox"/> Other Enclosure(s) (please
Identify below):
SEE BELOW. |
|---|--|---|

Remarks

Documents Enclosed: Transmittal Form (1 page); Fee Transmittal for FY 2004 (1 page); Patent Application Fee Determination (1 page); Petition For Two-Month Extension of Time (1 page); Revocation and Power of Attorney (2 pages); 37 C.F.R. 3.73(b) Statement and Power of Attorney (2 pages); Verified Statement Claiming Small Entity Status Small Business Concern (2 pages); PTO-2038 authorizing payment in the amount of \$282 for eight additional claims and Two-Month Extension of Time; and Amendment and Response to First Office Action (11 pages); and return postcard.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual: Morris, Manning & Martin, LLP
John R. Harris (Reg. No. 30,388)

Signature

Date

May 21, 2004

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: May 21, 2004

Typed or printed: John R. Harris

Signature

Date: May 21, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

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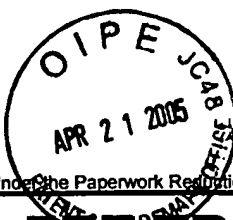
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PTO/SB/17 (10-03)

Approved for use through 07/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 282.00

Complete if Known

Application Number	10/079,639
Filing Date	February 19, 2002
First Named Inventor	Milinusic, Tomislav F.
Examiner Name	Kimbinh T. Nguyen
Art Unit	2671
Attorney Docket No.	13879-45168

METHOD OF PAYMENT (check all that apply)☐ Check ☒ Credit card ☐ Money Order ☐ Other ☐ None☐ Deposit Account:Deposit
Account
Number
Deposit
Account
Name

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Credit any overpayments☐ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1) (\$)			

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

	Extra Claims	Fee from below	Fee Paid
Total Claims	29	-20** = 9	72.
Independent Claims	3	-3** = 0	0
Multiple Dependent			72.

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) 72.00

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	210.00
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.11(d)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 210.00

SUBMITTED BY

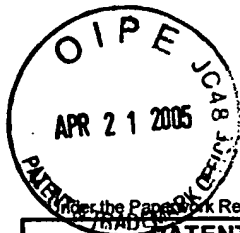
(Complete if applicable)

Name (Print/Type)	John R. Harris	Registration No. (Attorney/Agent)	30,388	Telephone	404-233-7000
Signature	<i>John R. Harris</i>	Date	May 21, 2004		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PATENT APPLICATION FEE DETERMINATION RECORD					Application or Docket Number 10/079,639		
Substitute for Form PTO-875							
CLAIMS AS FILED – PART I					SMALL ENTITY OR OTHER THAN SMALL ENTITY		
(Column 1)		(Column 2)					
FOR	NUMBER FILED	NUMBER EXTRA		RATE	FEE		
BASIC FEE (37 CFR 1.16(a))					370.00		
TOTAL CLAIMS (37 CFR 1.16(c))	21 minus 20 =	1		x \$ 9.00 =	9		
INDEPENDENT CLAIMS (37 CFR 1.16(b))	2 minus 3 =	0		x \$ 43.00 =	0		
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(d))				+ \$ =			
				TOTAL	\$379.00		
					OR	TOTAL \$770.00	
* If the difference in column 1 is less than zero, enter "0" in column 2.							
CLAIMS AS AMENDED – PART II					SMALL ENTITY OR OTHER THAN SMALL ENTITY		
(Column 1)		(Column 2)	(Column 3)				
AMENDMENT A	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDITIONAL FEE	
	Total (37 CFR 1.16(c))	* 29 Minus	** 21	= 8	x \$ 9.00 =	72	
	Independent (37 CFR 1.16(b))	* 3 Minus	*** 3	= 0	x \$ 43.00 =	0	
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(d))				+ \$ =		
				TOTAL ADD'L FEE	\$72.00	OR	TOTAL ADD'L FEE \$0.00
AMENDMENT B	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDITIONAL FEE	
	Total (37 CFR 1.16(c))	* Minus	**	=	x \$ 9.00 =		
	Independent (37 CFR 1.16(b))	* Minus	*** 3	=	x \$ 43.00 =		
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(d))				+ \$ =		
				TOTAL ADD'L FEE	\$0.00	OR	TOTAL ADD'L FEE \$0.00
AMENDMENT C	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDITIONAL FEE	
	Total (37 CFR 1.16(c))	* Minus	**	=	x \$ 9.00 =	0	
	Independent (37 CFR 1.16(b))	* Minus	***	=	x \$ 43.00 =		
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(d))				+ \$ =		
				TOTAL ADD'L FEE	\$0.00	OR	TOTAL ADD'L FEE \$0.00
* If the entry in column 1 is less than the entry in column 2, write "0" in column 3. ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20". *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3". The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.							

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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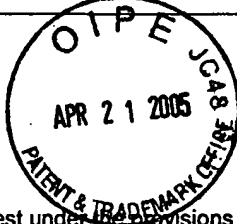
APR 28 2005

Technology Center 2600

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PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)

Docket Number (Optional) 13879-45168



In re Application of Millnusc, Tomislav F.

Application Number 10/079,639

Filed February 19, 2002

For SURVEILLANCE SYSTEM

Art Unit 2671

Examiner Kimbinh T. Nguyen

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.

The requested extension and appropriate non-small-entity fee are as follows (check time period desired):

☐ One month (37 CFR 1.17(a)(1))☒ Two months (37 CFR 1.17(a)(2))☐ Three months (37 CFR 1.17(a)(3))☐ Four months (37 CFR 1.17(a)(4))☐ Five months (37 CFR 1.17(a)(5))

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\$ _____

\$ 210.00

\$ _____

\$ _____

\$ _____

☐ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee amount shown above is reduced by one-half, and the resulting fee is: \$ _____.☐ A check in the amount of the fee is enclosed.☒ Payment by credit card. Form PTO-2038 is attached.☐ The Director has already been authorized to charge fees in this application to a Deposit Account.☐ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number _____.

I have enclosed a duplicate copy of this sheet.

I am the ☐ applicant/inventor.☐ assignee of record of the entire interest. See 37 CFR 3.71.

Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/96).

☒ attorney or agent of record. Registration Number 30,388☐ attorney or agent under 37 CFR 1.34(a).

Registration number if acting under 37 CFR 1.34(a) _____.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

May 21, 2004

Date

404-233-7000

Telephone Number

Signature

John R. Harris

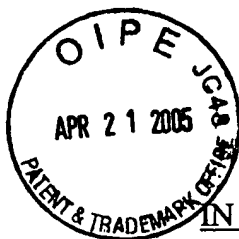
Typed or printed name

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ Total of _____ forms are submitted.

This collection of information is required by 37 CFR 1.136(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Milinusic, Tomislav F. Examiner: Kimbinh T. Nguyen
Serial No.: 10/079,639 Group Art Unit: 2671
Filed: 02/19/2002 Docket No.: 13879-45168
(Formerly 190809-1100)
Title: **SURVEILLANCE SYSTEM**

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT AND RESPONSE TO FIRST OFFICE ACTION

Dear Sir:

In response to the Office Action mailed December 24, 2003, please amend the above-identified application as follows and consider the appended remarks.

Amendments to the Claims are reflected in the listing of claims that begins on page 2 of this paper.

Remarks/Arguments begin on page 7 of this paper.

RECEIVED
APR 28 2005
Technology Center 2600

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence and the papers, as described herein, are being transmitted via facsimile 703-308-6606, addressed to: Group Art Unit 2671; Mail Stop Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on May 21, 2004.

By: 
Name: John R. Harris, 30,388

Listing of Claims:

1. (CURRENTLY AMENDED) A surveillance management system for controlling at least one position-controllable surveillance device in response to processed surveillance data, comprising:

a sensor system including the at least one position-controllable surveillance device and configured to detect predetermined conditions and ~~generating~~ generate surveillance data in response thereto, said surveillance data including position data;

a processing system configured to receive said surveillance data and incorporate said surveillance data into a surveillance database; ~~and~~

a control and command system operative for controlling said processing system to retrieve predetermined position data from said surveillance data ~~in from~~ said surveillance database and to generate a position control signal in accordance with said position data, and

a position-controllable surveillance device responsive to said control signal for adjusting the position of the surveillance device,

2. (PREVIOUSLY PRESENTED) The system of claim 1, wherein said control and command system is further configured to generate and output reports based upon said surveillance data.

3. (PREVIOUSLY PRESENTED) The system of claim 1, wherein said control and command system is further configured to distribute said surveillance data over a network.

4. (PREVIOUSLY PRESENTED) The system of claim 1, wherein said control and command system is further configured to generate graphical representations for display on a display device, based upon said surveillance data.

5. (PREVIOUSLY PRESENTED) The system of claim 1, wherein said sensor system comprises a sensor unit.

6. (PREVIOUSLY PRESENTED) The system of claim 5, wherein said sensor unit is configured to detect predetermined conditions and to generate surveillance data representative of the detected conditions.

7. (PREVIOUSLY PRESENTED) The system of claim 6, wherein said surveillance data comprises data indicative of the time said conditions were detected.

8. (PREVIOUSLY PRESENTED) The system of claim 6, wherein said surveillance data comprises data indicative of the location of said detected conditions.

9. (CURRENTLY AMENDED) A surveillance management system for providing a position control signal usable by a position-controllable surveillance device comprising:

a memory;

a surveillance database stored on said memory;

said surveillance database operative for storing ~~comprises~~ surveillance data collected by a surveillance sensor unit, said surveillance data including position data; and

a surveillance server associated with said memory and configured to receive surveillance data including said position data from a surveillance sensor unit configured to detect predetermined conditions, ~~and~~ to generate surveillance data representative of the detected conditions, and to generate a position control signal for utilization by said position-controllable surveillance device.

10. (PREVIOUSLY PRESENTED) The system of claim 9, wherein said surveillance server is further configured to incorporate surveillance data received from said surveillance sensor unit into said surveillance database.

11. (CURRENTLY AMENDED) The system of claim 10, wherein said surveillance data comprises data indicative of the time said predetermined conditions were ~~where~~ detected.

12. (CURRENTLY AMENDED) The system of claim 11, wherein said surveillance data comprises data indicative of the location where said predetermined conditions were where detected.

13. (PREVIOUSLY PRESENTED) The system of claim 12, wherein said surveillance data comprises data representative of said detected conditions.

14. (PREVIOUSLY PRESENTED) The system of claim 12, wherein said surveillance data comprises video data representative of said detected conditions.

15. (PREVIOUSLY PRESENTED) The system of claim 9, wherein said surveillance sensor unit comprises a detection device.

16. (PREVIOUSLY PRESENTED) The system of claim 9, wherein said surveillance sensor unit comprises a plurality of detection devices.

17. (PREVIOUSLY PRESENTED) The system of claim 15, wherein said detection device comprises a camera.

18. (PREVIOUSLY PRESENTED) The system of claim 17, wherein said camera is responsive to the visible light spectrum.

19. (PREVIOUSLY PRESENTED) The system of claim 17, wherein said camera is responsive to infrared radiation (IR).

20. (PREVIOUSLY PRESENTED) The system of claim 17, wherein said camera comprises a video camera.

21. (PREVIOUSLY PRESENTED) The system of claim 15, wherein said detection device comprises a position detection device.

22. (NEW) A surveillance management system for managing a three-dimensional data model of an area under surveillance by one or more surveillance devices that provides surveillance data, comprising:

a sensor system including the one or more surveillance devices and configured to detect predetermined conditions and generate surveillance data in response thereto, said surveillance data including position data;

a processing system configured to receive said surveillance data and incorporate said surveillance data into a surveillance database;

a control and command system operative to retrieve predetermined surveillance data from said surveillance database and to generate a three-dimensional data model of an area under surveillance in accordance with said position data.

23. (NEW) The system of claim 22, wherein said control and command system is further configured to generate and output reports based upon said surveillance data.

24. (NEW) The system of claim 22, wherein said control and command system is further configured to distribute said surveillance data over a network.

25. (NEW) The system of claim 22, wherein said control and command system is further configured to generate graphical representations of said three-dimensional data model for display on a display device, based upon said surveillance data.

26. (NEW) The system of claim 22, wherein said sensor system comprises a sensor unit.

27. (NEW) The system of claim 26, wherein said sensor unit is configured to detect predetermined conditions and to generate surveillance data representative of the detected conditions.

28. (NEW) The system of claim 27, wherein said surveillance data comprises data indicative of the time said conditions where detected.

29. (NEW) The system of claim 27, wherein said surveillance data comprises data indicative of the location of said detected conditions.

REMARKS/ARGUMENTS

Claims 1-21 are pending in the present application, prior to entry of this amendment. Of these claims, claims 1 and 9 are independent. Claims 1 and 9 have been amended to address the rejections. New claims 22-29 are presumed for entry.

Reconsideration of the rejection is respectfully requested in view of the foregoing amendments, and the following comments. Claims 1-21 were rejected under 35 U.S.C. § 102(b) as being anticipated by the *Seeley et al.* patent (6,069,655). The Examiner cited various portions of the *Seeley* patent in rejecting the claims. In view of the amendments to the claims, it is believed, and will be shown, that the claims as amended and as newly presented distinguish over the reference.

The *Seeley* patent is directed to an advanced video security system that monitors a premise to detect unwanted intrusions onto the premises. The system includes a plurality of cameras located about the premise that supply video images of scenes to a processor. The processor processes the images to detect motion in a scene and classify the source of the motion. If the source is determined to be one of a predetermined class of causes, there is an indication provided to an alarm unit of an intrusion.

As described in column 11, lines 36-47 of *Seeley*, video signals from the camera are provided as inputs into an image processor section 30 of the SCU (site control unit). Processor 30 looks sequentially at an image from each camera 22, and compares that image to a prior stored image from the same camera. The stored image is continually updated. The processor 28 incorporates certain algorithms from referenced co-pending applications to analyze the contents of the images represented by the signals to determine the presence of an intruder. Processor 30 includes a video masking section, a detection section, and an object recognition and labeling or classification section.

The *Seeley* patent therefore apparently utilizes a technique which may be characterized as “difference analysis” to detect a change in a video image that meets certain criteria to qualify the change as constituting an intrusion. As described in column 13, lines 45-54, the processing further involves identification of a class of detected cause of motion, for example, human,

animal, or unknown, which for a given specific monitoring situation may result in generating an alarm.

It is readily apparent from these portions of the *Seeley* patent, and the general architecture and conceptual approach described therein, that this patent is directed to image analysis for purposes of detecting intrusion. There is no discussion or disclosure as to any position signals relating to any of the cameras. There is no discussion or disclosure of storage of any position signals as part of surveillance data. There is no discussion or disclosure of any position-controllable surveillance device that is responsive to a control signal for adjusting the position of the surveillance device, for example, for zooming in to a particular location within the monitored premises for a closer look. Indeed, there is no discussion or disclosure of any position-controllable surveillance devices *at all*.

The foregoing aspects of a surveillance system – missing from the *Seeley* patent but present in the claimed aspects of this application – are believed novel and should be patentable. Claim 1, as amended, provides a surveillance management system for controlling at least one position-controllable surveillance device in response to processed surveillance data. The claimed system includes a sensor system including at least one position-controllable surveillance device. The sensor system is configured to detect predetermined conditions and generate surveillance data in response thereto. The surveillance data includes position data. The processing system and command and control system are operative for retrieving predetermined position data in a surveillance database and to generate a position control signal in accordance with said position data. Finally, claim 1 further recites a position-controllable surveillance device responsive to said control signal for adjusting the position of the surveillance device. None of these aspects are disclosed, taught or suggested in *Seeley*.

Support for these amendments is provided in the application in various places. For example, page 9, starting at line 20, sensor units 250 and 260 may be supported by gimbals 453 and 463, with one gimbal provided for each camera. FIG. 4 shows such sensor units supported by gimbals, which those skilled in the art will understand are exemplary of position-controllable elements. Each gimbal is adjustable about two axes of rotation (X-axis and Y-axis), and is responsive to a control signal from a control device, e.g. gimbal controller 485. Also, as

described on page 10, beginning at line 22 and extending to page 11, the location of detected changes and movements is determined by sensors, for examples, by a laser distance detection system or triangulation techniques, and once the location of the change/movement has been determined, a telephoto camera 461 may be engaged to “zoom in” on the detected changes to obtain a closer view of the changes/movements at the determined location. Position data are described on page 10, lines 1-5 as, for example, data representative of the position (x, y, and z) of an area/object represented by pixel data (i.e. image data captured from cameras).

Accordingly, it is respectfully submitted that claim 1, as amended, is novel and non-obvious over the *Seeley* patent, as the *Seeley* patent completely fails to provide any disclosure, teaching, or suggestion of utilization of position signals obtained from surveillance devices, storing position data, generating a position control signal, and then adjusting the position of a surveillance device in accordance with the control signal.

Claim 9 presents similar subject matter as claim 1, except in the context of receiving surveillance data from sensors and providing position a control signal usable by a position-controllable surveillance device. The intent of the claim is that the claimed surveillance control system may stand alone as an invention and not need include sensors or positionable cameras or sensors the like as a part of the claimed combination of elements. Claim 9 has been amended to recite that the surveillance database stores surveillance data including position data, that the surveillance server receives surveillance data including said position data from a surveillance sensor unit, and that the surveillance server generates a position control signal for utilization by a position-controllable surveillance device.

Claim 9 is therefore and similarly believed novel, non-obvious, and patentable in view of the *Seeley et al.* reference.

New independent claim 22 is presented for entry. This claim is directed to a somewhat different aspect of a surveillance management system than claims 1 or 9. Claim 22 recites a surveillance management system for managing a three-dimensional model of an area under surveillance by one or more surveillance devices that provides surveillance data. As described on page 5 of the specification, a surveillance server may be configured to generate and display a

three-dimensional model of an area under monitor, based upon the data stored in database 220. This model can then be used to analyze detected conditions within the monitored area.

Claim 22 recites a sensor system including one or more surveillance devices. The sensor system is configured to detect predetermined conditions and to generate surveillance data, said surveillance data including position data. A processing system is configured to receive said surveillance data and incorporate said surveillance data into a surveillance database. Finally, a command and control system is provided, operative to retrieve predetermined surveillance data from the surveillance database and to generate a three-dimensional data model of an area under surveillance in accordance with said position data.

These aspects of the present invention are described supported in the specification at various locations, for example on page 3 beginning at lines 23-28; page 5, lines 26-29; and page 10, lines 1-5. Such aspects are clearly not disclosed, taught, or suggested in *Seeley et al.*, as that patent is clearly concerned with image analysis based on differences between a stored video image and an incoming video image, and shows no appreciation whatsoever for the three-dimensional aspects of a monitored premise and using position signals to construct and utilize such a three-dimensional model. Claim 22 is therefore novel and should be patentable.

CONCLUSION

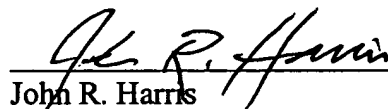
For the foregoing reasons, it is respectfully submitted that claims 1 and 9, as amended, and new claim 22, are novel and non-obvious in view of the *Seeley et al.* reference and should be allowable. The foregoing is presented as a full and complete response to the Office Action mailed December 24, 2003, and is believed to have placed all claims in condition for allowance. Such action is courteously solicited. If any issues remain that can be resolved by telephone, the Examiner is respectfully requested to contact the undersigned at 404-233-7000.

Applicant submits this Amendment and Response to First Office Action with a Request for a two month Extension of Time in which to file. PTO-2038 Credit Card Payment Form is enclosed authorizing payment in the amount of \$282 for the eight (8) additional claims (\$72) and two-month extension of time petition fee (\$210). Applicant respectfully requests that the Patent Office notify the undersigned if there are any additional fees due that have not been identified or included herewith.

It is now believed that the application is in condition for allowance and such allowance is respectfully requested.

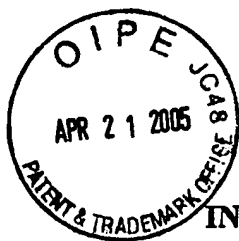
Respectfully submitted,
MORRIS, MANNING & MARTIN, LLP

May 21, 2004



John R. Harris
Attorney for the Applicant
Reg. No. 30,388

Morris, Manning & Martin, LLP
3343 Peachtree Road, N.E.
Atlanta, Georgia 30326-1044
Telephone: 404-233-7000
Docket 13879-45168
Customer No. 24728



PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Milinusic, Tomislav F. Examiner: Kimbinh T. Nguyen
Serial No.: 10/079,639 Group Art Unit: 2671
Filed: 02/19/2002 Docket No.: 13879-45168
(Formerly 190809-1100)
Title: SURVEILLANCE SYSTEM

REVOCATION AND POWER OF ATTORNEY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:


The undersigned hereby **REVOKES** any and all powers of attorney previously given in the above-identified application.

The undersigned hereby **APPOINTS** :

John R. Harris - Reg. No. 30,388
Tim T. Xia - Reg. No. 45,242
Jack D. Todd - Reg. No. 44,375
Dana E. Stano - Reg. No. 50,750

as its attorneys, with full power of substitution and revocation, to prosecute said application, to make alterations and amendments therein, to receive the patent, and to transact all business in the Patent and Trademark Office and in the Courts in connection therewith.

I hereby certify that this correspondence is being ☐ deposited with the United States Postal Service as First Class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Arlington, VA 22313-1450, or ☐ transmitted to the U.S. Patent and Trademark Office by facsimile to number (703) 308-6606, on this 21st day of May, 2004.


John R. Harris - Reg. No. 30,388

Serial No. 10/079,639

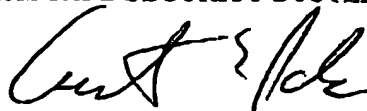
It is requested that future Patent and Trademark Office correspondence in this case be directed to:

John R. Harris, Esq.
Morris, Manning & Martin, L.L.P.
1600 Atlanta Financial Center
3343 Peachtree Road, N.E.
Atlanta, Georgia 30326

Please also associate this application with customer number 24728. Direct all telephone calls to John R. Harris at (404) 233-7000.

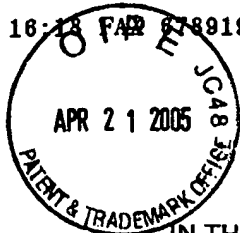
VISTASCAPE SECURITY SYSTEMS CORP.

Date:

5/21/04

Curtis Ide

Vice President Development and Support



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. Patent Application of:

Milinusic, Tomislav F.

U.S. Application Serial No. 10/079,639

Filed: February 19, 2002

For: SURVEILLANCE SYSTEM

Atty Docket No. 13879-45168 (Formerly 190809-1100)

) Group Art Unit: 2671

) Examiner: Kimbinh T. Nguyen

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

37 C.F.R. §3.73(b) STATEMENT AND POWER OF ATTORNEY

The below-identified Assignee for the above-identified U.S. patent application (hereinafter "Patent Application"), and the invention disclosed therein, hereby states pursuant to 37 C.F.R. §3.73(b) that the Assignee is the sole owner of the Patent Application to the exclusion of each inventor thereof.

The Assignee establishes its ownership by submission herewith of one or more assignment documents establishing that Assignee possesses all rights, title, and interest in and to the Patent Application. As the established owner of the Patent Application, the Assignee hereby invokes its right to conduct prosecution of the Patent Application to the exclusion of each named inventor.

The Assignee further hereby appoints the Attorneys and Patent Agents of Morris Manning & Martin, L.L.P., associated with Customer Number 24728 in the records of the U.S. Patent & Trademark Office and as updated from time to time, to prosecute the Patent Application and to transact all business in the U.S. Patent & Trademark Office connected therewith, which includes prosecution of any continuing application thereof, such as continuation, divisional, and continuation-in-part patent applications.

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I acknowledge that separate verified statements are required from each named person, concern, or organization having rights to the invention averring to their status as small entities.

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001, Title 18, United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

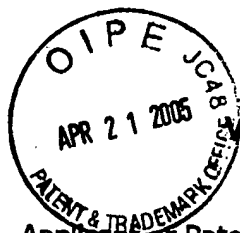
NAME OF PERSON SIGNING Curtis Ide

TITLE OF PERSON IF OTHER THAN OWNER VP Product Development & Support

ADDRESS OF PERSON SIGNING 5901 B Peachtree Dunwoody Rd Suite 550 Atlanta Ga.

SIGNATURE Curtis Ide DATE 5/21/04

30328



VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS SMALL BUSINESS CONCERN

Applicant or Patentee: Milinusic, Tomislav F.

Application or Patent No.: 10/079,639

Filed or Issued: February 19, 2002

Title: **SURVEILLANCE SYSTEM**

I hereby declare that I am:

- ☐ the owner of the small business concern identified below:
☒ an official empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN VistaScape Security Systems Corp.

ADDRESS OF CONCERN 5901-B Peachtree-Dunwoody Road, Suite 550,
Atlanta, GA 30328

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR § 121 and in 37 CFR § 1.27, for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time, or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights in the invention have not been conveyed under contract or at law and remain with the small business concern identified above with regard to the invention described in:

- ☐ the specification filed herewith with title as listed above.
☒ the application identified above.
☐ the patent identified above.

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If the rights held by the above-identified small business concern are not exclusive, each individual, concern, or organization having rights in the invention must file separate verified statements averring to their status as small entities, and no rights to the invention are held by any person who would not qualify as an independent inventor under 37 C.F.R. § 27 if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR § 27, or a nonprofit organization under 37 CFR § 27.

Each person, concern or organization having any rights in the invention is listed below:

FULL NAME VistaScape Security Systems Corp.
 ADDRESS 5901-B Peachtree-Dunwoody Road
 Suite 550, Atlanta, GA 30328

- ☐ INDIVIDUAL
☒ SMALL BUSINESS CONCERN
☐ NONPROFIT ORGANIZATION

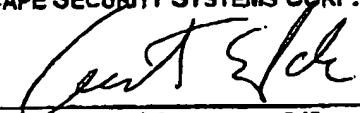
All correspondence in this case should be directed to the same Customer Number.

The Assignee hereby declares that no other person or entity is authorized to take any action before the U.S. Patent & Trademark Office with respect to the Patent Application. The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the Assignee.

Assignee:

VISTASCAPE SECURITY SYSTEMS CORP.

By:


Signature of Corporate Officer

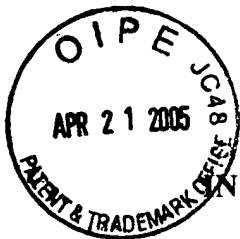
5/21/04
Date

Curtis Ide

Name of Corporate Officer

VP Product Development & Support

Title of Corporate Officer



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Date: 5/21/04

VISTASCAPE SECURITY SYSTEMS CORP.



Curtis Ide
Vice President Development and Support



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. Patent Application of:

Milinusic, Tomislav F.

U.S. Application Serial No. 10/079,639

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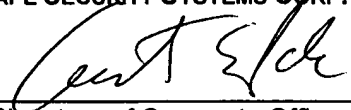
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By:



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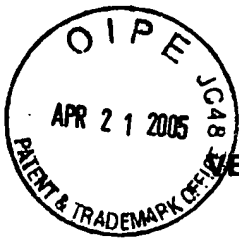
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Title of Corporate Officer



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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001, Title 18, United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Curtis Ide

TITLE OF PERSON IF OTHER THAN OWNER VP Product Development & Support

ADDRESS OF PERSON SIGNING 5901 B Peachtree Dunwoody Rd Suite 550 Atlanta Ga.

SIGNATURE Curtis Ide DATE 5/21/04

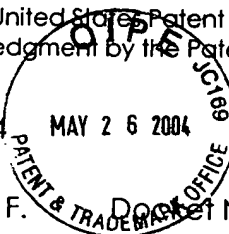
30328



RECEIVED IN THE UNITED STATES PATENT OFFICE

Please place the official stamp of the United States Patent and Trademark Office on this card and return to constitute Acknowledgment by the Patent Office of receipt on the date stamped.

Date of Mailing: May 21, 2004



Inventor(s): Milinusic, Tomislav F.

Docket No.: 13879-45168

Title: Surveillance System

Serial No. 10/079,639

Documents Enclosed: Transmittal Form (1 page); Fee Transmittal for FY 2004 (1 page); Patent Application Fee Determination (1 page); Petition For Two-Month Extension of Time (1 page); Revocation and Power of Attorney (2 pages); 37 C.F.R. 3.73(b) Statement and Power of Attorney (2 pages); Verified Statement Claiming Small Entity Status Small Business Concern (2 pages); PTO-2038 authorizing payment in the amount of \$282 for eight additional claims and Two-Month Extension of Time; and Amendment and Response to First Office Action (11 pages); and return postcard.

Atty: JRH:tj

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6/2/04
RBR

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APR 28 2005
Technology Center 2600

**Examiner-Initiated Interview Summary**

Application No.

10/079,639

Applicant(s)

MILINUSIC, TOMISLAV F.

Examiner

Kimbinh T. Nguyen

Art Unit

2671

All Participants:(1) Kimbinh T. Nguyen.(2) John Harris.Status of Application: Allowance

(3) _____

(4) _____

Date of Interview: 18 August 2004

Time: _____

Type of Interview:☒ Telephonic☐ Video Conference☐ Personal (Copy given to: ☐ Applicant ☐ Applicant's representative)Exhibit Shown or Demonstrated: ☐ Yes ☒ No

If Yes, provide a brief description:

Part I.

Rejection(s) discussed:

Claims discussed:

Claims 1, 22-29

Prior art documents discussed:

Part II.

SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:

*Applicant's representative agreed to cancel claims 22-29.***Part III.**

- ☒ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.
- ☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.

(Examiner/SPE Signature)

(Applicant/Applicant's Representative Signature – if appropriate)

BIDDLE & ASSOCIATES, P.C.
Intellectual Property & Technology Law



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MAR 22 2005

6300 Powers Ferry Road
Suite 600-183
Atlanta, GA 30339

Tel: 770-690-4239
Fax: 404-795-0870

Robert P. Biddle
Direct: 678-352-0103

CONFIDENTIAL

MORRIS, MANNING & MARTIN

March 17, 2005

John Harris, Esq.
MORRIS, MANNING & MARTIN, LLP
1600 Atlanta Financial Center
3343 Peachtree Road N.E.
Atlanta, GA 30326

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APR 28 2005
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RE: VISTASCAPE / Notice of Abandonment

BA: 88030089
USPTO S/N: 10/079,639
Title: SURVEILLANCE SYSTEM

Dear Mr. Harris:

We recently received the enclosed correspondence (dated March 7, 2005) from the USPTO. This correspondence concerns the referenced VISTASCAPE utility patent application, which was transferred to your office last year at the request of VISTASCAPE.

Should you have any questions, please do not hesitate to let me know.

Sincerely,

Robert P. Biddle

RPB/ter
Encl.

DOCKETED
RPB
3/22/05



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------	---------------------	------------------

10/079,639

02/19/2002

Tornislav F. Milinusic

190809-1100

7250

34637

7590

03/07/2005

BIDDLE & ASSOCIATES
6300 POWERS FERRY ROAD
SUITE 600-183
ATLANTA, GA 30339

EXAMINER

NGUYEN, KIMBINH T

ART UNIT

PAPER NUMBER

2671

DATE MAILED: 03/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

RECEIVED
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Technology Center 2600

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PP2
5/22/05

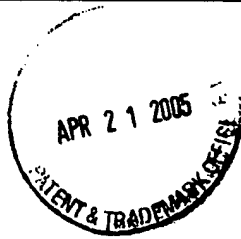


UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
--------------------	-------------	-----------------------	---------------------

10/079,639



EXAMINER

ART UNIT	PAPER NUMBER
----------	--------------

DATE MAILED

#9
RECEIVED

APR 28 2005

Technology Center 2600

NOTICE OF ABANDONMENT

This application is abandoned in view of:

- ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on _____
- ☐ A reply (with Certificate of Mailing or Transmission of _____) was received on _____ which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
- ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
- ☐ A reply was received on _____, but it does not constitute a proper reply, or a *bona fide* attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in the last box below).
- ☐ No reply has been received.
- ☒ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
- ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85)(or Notice of Publication Fee Due).
- ☐ The submitted fee of \$ _____ is insufficient. A balance of \$ _____ is due.
The issue fee by 37 CFR 1.18 is \$ _____. The publication fee, if required, by 37 CFR 1.18(d) is \$ _____.
- ☒ The issue fee and publication fee, if applicable, have not been received.
- ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTOL-37).
- ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
- ☐ No corrected drawings have been received.
- ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all the applicants.
- ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon filing of a continuing application.
- ☐ The decision by the Board of Patent Appeals and Interferences rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
- ☐ The reason(s) below: _____

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.



Attachment to Notice of Abandonment

For questions concerning the notice contact
Office of Patent Publication

Image Assistance Center: 888-786-0101.

Information is also available on the USPTO Internet web site:

<http://www.uspto.gov/web/patents/pubs/abandonnotice.html>

Respond to the Notice of Abandonment by one of the following:

1. Petition To Withdraw Holding of Abandonment (See MPEP 711.03(c) I and 37 CFR § 1.181) No fee required

Where an applicant contends that the application is not in fact abandoned (e.g., a reply was in fact filed), a petition under 37 CFR § 1.181(a) requesting withdrawal of the holding of abandonment is the appropriate course of action. Any petition under 37 CFR § 1.181 to withdraw the holding of abandonment not filed within 2 months of the mail date of a Notice of Abandonment may be dismissed as untimely under 37 CFR § 1.181(f). In order for a petition to be granted, the evidence must be sufficient according to 37 CFR § 1.8(b) Certificate of Mailing; 37 CFR § 1.10 "Express Mail" mailing or MPEP 503 Postcard Receipt as Prima Facie Evidence. The petition should be addressed as follows:

By mail: Mail Stop: Issue Fee, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450

By facsimile: 703-872-9306

2. Petition To Withdraw Holding Of Abandonment Based On Failure To Receive Office Action (MPEP 711.03(c) II and 37 CFR § 1.181). No fee required

Where an applicant contends that the original Notice of Allowance and Fee(s) Due was never received, if adequately supported, the Office may grant the petition and remail the Office action. The showing required establishing non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the nonreceived Office would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

Petition should be addressed to the Technology Center handling the application as follows:

By mail: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450

By facsimile: 703-872-9306

3. Petition To Revive An Abandoned Application (See MPEP 711.03(c) III)

Where there is no dispute as to whether an application is abandoned (e.g., the applicant's contentions merely involve the cause of abandonment) a petition under 37 CFR § 1.137 (a) or (b) (accompanied by the appropriate petition fee) is necessary to revive the abandoned application. The text of these rules is available on the USPTO Internet Web site. Forms for these petitions, "Petition For Revival Of An Application For Patent Abandoned Unavoidably Under 37 CFR § 1.137(a)," PTO/SB/61, and "Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b)," PTO/SB/64 are available in the forms section of the USPTO website: <http://www.uspto.gov>.

Petitions under 37 CFR § 1.137 should be addressed to the Office of Petitions as follows:

By mail: Mail Stop Petition, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450

By facsimile: 703-872-9306

Note: Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment

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4/18/2005

APR 21 2005

Patent Information Print

Client/Master Number 18479-45168
 Country United States
 Case Type Regular
 Relation Type Original Filing
 Filing Type National
 Filing Number
 Attorney John Harris
 Foreign Associate
 Client Name VistaScape
 Associate Attorney Wendell A. Peete
 Paralegal
 Status Filed
 First Filing Dt 2/16/2001
 Sub Stat
 Sub Stat Dt
 Parent Country
 Parent Filing Dt
 Parent No
 Parent Grant Dt
 Total Claims

Ind. Claims
 Application # 10/079,639
 Application Dt 2/19/2002
 Patent No
 Grant Dt
 Publication #
 Publication Dt
 Assigned Assignment Recorded
 Expiration Dt
 Conv Type
 Tax Base Dt
 Next Tax Dt
 Verified N
 Customer MMPP
 Create Dt 5/25/2004
 Update Dt 3/22/2005
 Update Tm 1804
 Update User PPZ
 Update Type

Actions

Action Reminder: 6 months to File F
 Action Due Date 8/16/2001
 ActnTknRspnsFiledDate 8/16/2001

DEADLINE/BAR Date
 Filing Postcard PTO Date
 End Grace Period

Action Reminder: 9 months to File F
 Action Due Date 11/16/2001
 ActnTknRspnsFiledDate 11/16/2001

DEADLINE/BAR Date
 Filing Postcard PTO Date
 End Grace Period

Action Reminder: 1 month to File Fo
 Action Due Date 1/16/2002
 ActnTknRspnsFiledDate 1/16/2002

DEADLINE/BAR Date
 Filing Postcard PTO Date
 End Grace Period

Action DEADLINE: Foreign Filing Dea
 Action Due Date 2/16/2002
 ActnTknRspnsFiledDate 2/16/2002

DEADLINE/BAR Date
 Filing Postcard PTO Date
 End Grace Period

Action Info Discl. Statement
 Action Due Date 5/19/2002
 ActnTknRspnsFiledDate 5/19/2002

DEADLINE/BAR Date
 Filing Postcard PTO Date
 End Grace Period

Action Publication Date
 Action Due Date 8/16/2002
 ActnTknRspnsFiledDate 8/16/2002

DEADLINE/BAR Date
 Filing Postcard PTO Date
 End Grace Period

Action DEADLINE: Notice of Missing
 Action Due Date 10/12/2002
 ActnTknRspnsFiledDate 5/6/2002

DEADLINE/BAR Date
 Filing Postcard PTO Date
 End Grace Period

Action 1st Office Action
 Action Due Date 12/24/2003
 ActnTknRspnsFiledDate 12/24/2003

DEADLINE/BAR Date
 Filing Postcard PTO Date
 End Grace Period

Action DEADLINE: Resp to 1st OA (3
 Action Due Date 3/24/2004
 ActnTknRspnsFiledDate 5/21/2004

DEADLINE/BAR Date
 Filing Postcard PTO Date 5/21/2004
 End Grace Period

Action DEADLINE: 1st OA Resp. - 1 m
 Action Due Date 4/24/2004
 ActnTknRspnsFiledDate 5/21/2004

DEADLINE/BAR Date
 Filing Postcard PTO Date 5/21/2004
 End Grace Period

Action DEADLINE: 1st OA Resp. - 2 m
 Action Due Date 5/24/2004
 ActnTknRspnsFiledDate 5/21/2004

DEADLINE/BAR Date
 Filing Postcard PTO Date 5/21/2004
 End Grace Period

Action DEADLINE: Resp 1st OA - FINA
 Action Due Date 6/24/2004
 ActnTknRspnsFiledDate 5/21/2004

DEADLINE/BAR Date
 Filing Postcard PTO Date 5/21/2004
 End Grace Period

Action Status Inquiry Due
 Action Due Date 11/21/2004
 ActnTknRspnsFiledDate

DEADLINE/BAR Date
 Filing Postcard PTO Date
 End Grace Period

Action Petition
 Action Due Date 3/28/2005
 ActnTknRspnsFiledDate

DEADLINE/BAR Date
 Filing Postcard PTO Date
 End Grace Period

Action Filing Receipt Received

DEADLINE/BAR Date

Action Due Date
ActnTknRspnsFiledDate 6/4/2002

Filing Postcard PTO Date
End Grace Period

Action Notice of Abandonment Receiv
Action Due Date
ActnTknRspnsFiledDate 3/22/2005

DEADLINE/BAR Date
Filing Postcard PTO Date
End Grace Period

Action Publication not applicable
Action Due Date
ActnTknRspnsFiledDate 2/19/2002

DEADLINE/BAR Date
Filing Postcard PTO Date 2/19/2002
End Grace Period

Act Notes
Request for Non-Publication filed with application.

Action Notice of Abandonment
Action Due Date
ActnTknRspnsFiledDate

DEADLINE/BAR Date
Filing Postcard PTO Date 3/7/2005
End Grace Period

Act Notes
Failure to timely pay the issue fee and publication fee.

Action Recorded: Reel/Frame
Action Due Date
ActnTknRspnsFiledDate 7/17/2002

DEADLINE/BAR Date
Filing Postcard PTO Date
End Grace Period

Act Notes
Reel/Frame: 012894/0118

Action Assignment Filed
Action Due Date
ActnTknRspnsFiledDate 5/6/2002

DEADLINE/BAR Date
Filing Postcard PTO Date
End Grace Period

****Attorney Notes****

Description
File transferred in from Thomas, Kayden, Horstemeyer & Risle
y on May 26, 2004. Claims Priority to: Provisional App
lication No. 60/269,434 filed February 16, 2001 Provisional
Patent Application No. 60/269,676 filed February 16, 2001
and Provisional Application No. 60/317,635 filed September 6
, 2001.

****Expenses****

Exp Filing fee
Amt 282

Exp Dt
Inv No

21/ /4/05
Claims

****Inventors****

Inventor Name MILINUSIC, Tomislav F.
Street Address
City, State & Zip
Inventor
Reel/Frame No.

Telephone Number
Date of Assignment
Telephone Number
Real #2

****Title****

Title
Surveillance System

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

United States Patent & Trademark Office

Credit Card Payment Form

Please Read Instructions before Completing this Form

Credit Card Information

Credit Card Type: ☒ Visa ☐ MasterCard ☐ American Express ☐ Discover

Credit Card Account #

Credit Card Expiration Date: ~~03/2004~~ 03/2007

Name as it Appears on Credit Card: Morris, Manning & Martin

Payment Amount: \$(US Dollars): \$282.00

Signature:

J. R. Hann

Date:

5/21/2004

Refund Policy: The Office may refund a fee paid by mistake or in excess of that required. A change of purpose after the payment of a fee will not entitle a party to a refund of such fee. The Office will not refund amounts of twenty-five dollars or less unless a refund is specifically requested, and will not notify the payor of such amounts (37 CFR 1.26). Refund of a fee paid by credit card will be via credit to the credit card account.

Service Charge: There is a 50.00 service charge for processing each payment refused (including a check returned "unpaid") or charged back by a financial institution (37 CFR 1.21(m)).

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Street Address 2: 1600 Atlanta Financial Center

City: Atlanta

State: GA

Zip/Postal Code: 30326-1044

Country: USA

Daytime Phone #: 404/233.7000

Fax #: 404/365.9532

Request and Payment Information

Description of Request and Payment Information:

Payment for 8 additional claims; 2 month EOT

Patent Fee	Patent Maintenance Fee	Trademark Fee	Other Fee
Application No. <i>10/079,639</i>	Application No.	Serial No.	IDON Customer No.
Patent No.	Patent No.	Registration No.	
Attorney Docket No. <i>13879-45168</i>		Identify or Describe Mark	

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